

02-14-02

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Atty Dkt No. 0800-0005.05
Client No. 1001.CON
PATENT

JCS68 U.S. PTO
10/074302
02/11/02

REQUEST FOR FILING CONTINUATION/DIVISIONAL APPLICATION

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

"Express Mail" Mailing Label No. EV 036 420 132 US Date of Deposit 11 February 2002
I hereby certify that this paper or fee is being deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above
and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Patricia K. Himes

(Typed or Printed Name of Person Mailing Paper or Fee)

Patricia K. Himes

(Signature of Person Mailing Paper or Fee)

Sir:

This is a request for filing a X continuation divisional application under 37 C.F.R. 1.53(b)(1), of pending prior application serial no. 09/450,083 filed on November 29, 1999, of Peter COLOSI for HIGH-EFFICIENCY WILD-TYPE-FREE AAV HELPER FUNCTIONS.

1. X Enclosed is an application filed under 37 C.F.R. 1.53(b)(1). No new matter has been added.
2. X Applicant(s) claim(s) small entity status.
3. X The filing fee is calculated below:

A. Basic Application Fee		\$740
B. Total Claims 25 - 20 = 5	x \$18	\$90
C. Independent Claims 2 - 3 = 0	x \$84	0
D. If multiple claims present, add	\$280	0
E. Total Application Fee (Total of A, B, C & D)	=	<u>\$830</u>
F. If small entity status is claimed, reduce Total Application Fee by 50%		<u>\$415</u>
G. Total Fee Due (E - F)	=	\$415

4. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

5. A check to cover the \$415 application fee is attached.

6. Cancel in this application original claims * of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

7. The inventor(s) of the invention being claimed in this application is (are): Peter Colosi.

8. This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(b)(1), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application: *.

9. Amend the specification by inserting before the first line the sentence:
This application is a continuation divisional of U.S. Patent Application Serial No. 09/450,083, filed November 29, 1999, from which application(s) priority is claimed pursuant to 35 U.S.C. §120 and which application(s) are incorporated herein by reference in its(their) entirety(entireties).

10. The prior application is assigned of record to Avigen, Inc.

11. A preliminary amendment is enclosed.

12. Also enclosed: Blanket Petition for Extension of Time and Authorization to Charge or Credit Deposit Account and a Request to Use Computer Readable Form of the Sequence Listing.

13. The power of attorney in the prior application is to Roberta L. Robins, Reg. No. 33,208.

- The power appears in the original papers in the prior application.
- Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- Recognize the following individual(s) as Associate Attorneys: Narinder S. Banait, Reg. No. 43,482 of Robins & Pasternak LLP.
- Address all future communications to Roberta L. Robins at:

ROBINS & PASTERNAK LLP
545 Middlefield Road, Ste. 180
Menlo Park, CA 94025
phone: (650) 325-7812
fax: (650) 325-7823.

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Patricia K. Himes
Typed or Printed Name of Person Mailing Paper or Fee

Patricia K. Himes
Signature of Person Mailing Paper or Fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Peter COLOSI

Serial No.: (Prior: 09/450,083)

Group Art Unit: (Prior: 1636)

Filing Date: (Prior: 11/29/1999)

Examiner: (Prior: K. Katcherer)

Title: HIGH-EFFICIENCY WILD-TYPE-FREE AAV HELPER FUNCTIONS

**REQUEST TO USE COMPUTER READABLE
FORM FROM ANOTHER APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The computer readable form in this application, is identical with that filed in application number 09/450,083, filed November 29, 1999. In accordance with 37 CFR §1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy

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of the Sequence Listing is attached to the application.

Respectfully submitted,

Date: 2/11/02

By: RLR
Roberta L. Robins
Registration No. 33,208

ROBINS & PASTERNAK LLP
90 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: 650-325-7812
Facsimile: 650-325-7823

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter Colosi)
Serial No.: _____)
 (Continuation of 09/143,270, filed August 28, 1998))
Filed: November 29, 1999)
For: HIGH-EFFICIENCY WILD-TYPE-FREE AAV HELPER)
 FUNCTIONS)

STATEMENT UNDER 37 C.F.R. § 1.821

Box Patent Application
Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

This application (hereinafter "the continuation application") is a continuation of co-pending United States Patent Application Serial No. 09/143,270 of Peter Colosi, filed August 28, 1998 (hereinafter "the parent application"). A Sequence Listing, including a computer readable form, was submitted with the parent application. The paper copy of the Sequence Listing submitted in connection with the continuation application is identical to the paper copy of the Sequence Listing submitted in connection with the case of the parent application.

The paper copy of the Sequence Listing submitted in the above-referenced continuation application is identical to the computer readable form submitted with the parent application. The paper copy of the Sequence Listing submitted in the above-referenced continuation case adds no new matter. The Applicant requests that the computer readable form submitted in the case of the parent application be used in the case of the continuation application.

Respectfully submitted,

Barton W. Giddings

Barton W. Giddings, Ph.D.

Reg. No. 41,036

Attorney for Applicants

Date: November 29, 1999

MADSON & METCALF
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700

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2/11/02

(date)



Roberta L. Robins
Reg. No. 33,208

Address of signator:

inventor(s)

assignee of complete interest

attorney or agent of record

filed under § 1.34(a)



31048

PATENT & TRADEMARK OFFICE

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PATRICIA K. HIMANES
Typed or Printed Name of Person Mailing Paper or Fee

Patricia K. Himanes
Signature of Person Mailing Paper or Fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Peter COLOSI

Serial No.: (Prior: 09/450,083)

Group Art Unit: (Prior: 1636)

Filing Date: (Prior: 11/29/1999)

Examiner: (Prior: K. Katcheres)

Title: HIGH-EFFICIENCY WILD-TYPE-FREE AAV HELPER FUNCTIONS

**BLANKET PETITION FOR EXTENSION OF TIME AND
AUTHORIZATION TO CHARGE OR CREDIT DEPOSIT ACCOUNT**

Commissioner for Patents
Washington, D.C. 20231

Sir:

If a paper is untimely filed in this application or any file wrapper continuation application derived therefrom by applicant(s) or her/his/their representative, the Commissioner is hereby petitioned under 37 C.F.R. § 1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 C.F.R. § 1.17(a)-(d) to Deposit Account No. 18-1648. This, however, is not authorization to pay the issue fee.

If a paper is concurrently or subsequently filed in this application or any file wrapper continuation application derived therefrom by applicant(s) or her/his/their representative and a fee under 37 C.F.R. §§ 1.16-1.17 is required to effect any amendment, petition or other action requested in said paper, the Commissioner is hereby requested to charge any deficiency in said fee, or credit any overpayment of said fee, to Deposit Account No. 18-1648. This, however, is not authorization to pay the issue fee.

Respectfully submitted,

Date: 2/11/02

By: Roberta L. Robins
Roberta L. Robins
Registration No. 33,208

ROBINS & PASTERNAK LLP
90 Middlefield Road, Suite 200
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